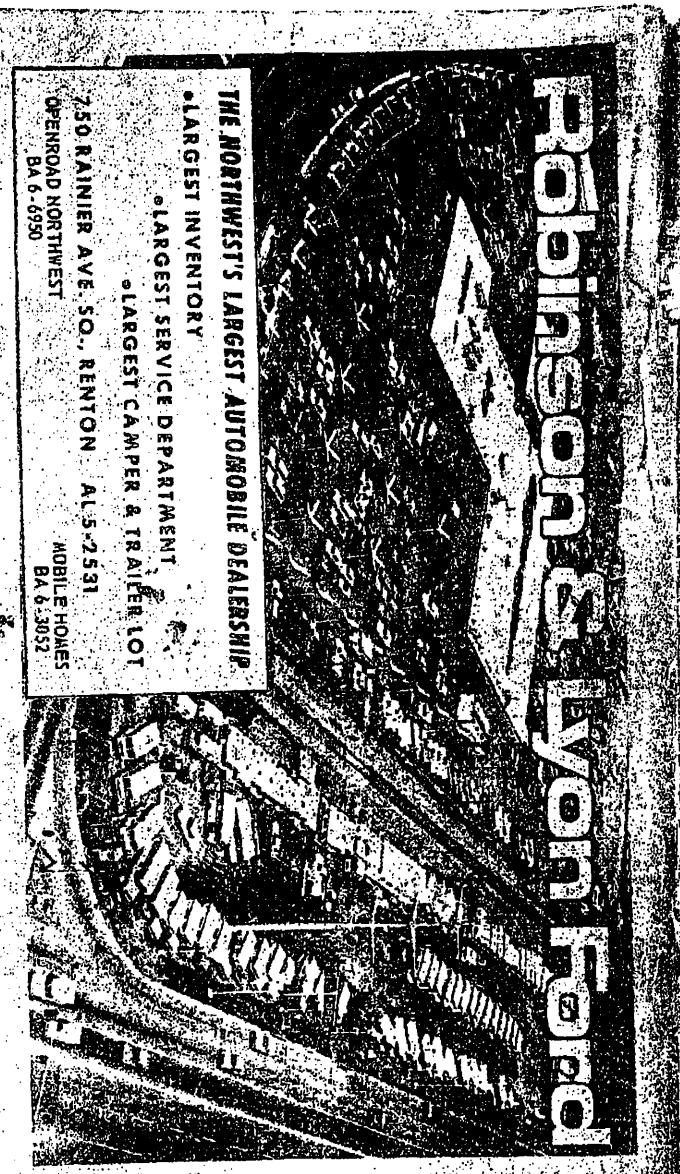


EXHIBIT E

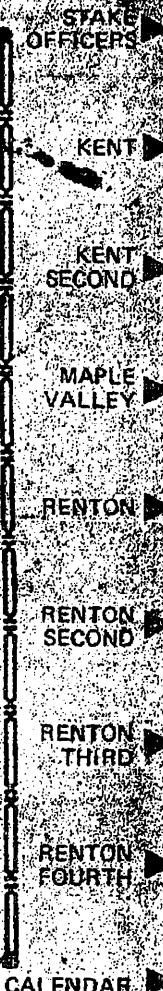


Mrs. Maureen Rater
11004 SE 235th St.
Kent, WA 98031-3439

1972
•
1973

**RENTON
STAKE
DIRECTORY**

**AND
ACTIVITY
CALENDAR**



KF00801

KENT SECOND WARD
24419 94th South

Bishops Office	UL 2-4861
Foyer	UL 2-8892

MEETINGS

Priesthood Meeting	Sunday, 7:15 am
Sacrament Meeting	Sunday, 2:30 pm
Fast and Testimony Meeting	First Sunday, 2:30 pm
Sunday School Meeting	Sunday, 9:00 am
MIA Meeting	Tuesday, 7:30 pm
Relief Society Meeting	Thursday, 9:30 am
Primary	Wednesday, 4:45 pm
Executive Committee Meeting	Sunday, 10:30 am
Ward Council Meeting	First Sunday, 10:30 am
Bishop's Meeting	Sunday, 6:15 am

WARD COUNCIL

Bishop—Randall K. Borland	631-2493
1st Counselor—Arlie D. Young	631-4123
2nd Counselor—K. Dennis Hoffmann	631-2089
Executive Secretary—Don W. Boren	631-2898
Ward Clerk (Historical)—Parley M. Conder	631-2238
Asst. Clerk (Financial)—J. Kent Weir	UL 4-2508
Asst. Clerk (Statistical)—Jack T. Swain	631-4740
High Priest Group Leader—Harold D. Hancock	UL 4-3965
Seventy Group Leader—	
Elders Quorum President—Robert M. Saarie	631-4321
Gen. Sec. Youth Aaronic & YMMIA—Richard Pettit	631-0756
Relief Society President—	
Sunday School President—Max Pettry	VE 9-190
Primary President—Carolie Berry	UL 2-4655
YWMIA President—	
ALDER, Harold, Florence, 24906 38th Ave. So.	VE 9-714
ALLENBACH, Herman, Veloy, 26829 152nd S. E.	631-243
ALLEN, Bonnie, 28123 197th S. E.	631-243
ANDERSON, Charles, 26823 114th S. E.	UL 2-155
BARBEE, Betty, 17148 S.E. 267th	631-4176
BATEMAN, N. James, Doris, 10433 Kent-Kangley Rd. # 224	UL 2-153
BEAVER, Dana, 16750 S. E. 252nd Ct.	631-4389
BEERS, Max, Jean, 3414 S. 263rd	UL 2-8958
BERBERT, Richard, Marietta, 3406 S. 253rd	VE 9-3618
BECK, Carl, 17626 S. 260th	

BECHT, Robert, Ada, 26820 136th S. E.	631-1166
BERRY, Lloyd, Carolie, 28411 59th Ave. So.	UL 2-4557
BERRY, Robert, Diane, 4531 S. 256th	UL 4-2638
BLANCHARD, Patrice, 11804 S. E. 275th	631-3310
BODILY, Reed, 25231 129th Pl. S. E.	UL 4-3571
BOND, John, 4808 S. 256th	UL 4-4753
BOND, Albert, Josephine, 25425 115th S. E.	UL 2-7785
BODVIN, Barbara, 304 Kenosha	UL 4-2081
BODVIN, Dale, 11020 Kent-Kangley	UL 4-1888
BOND, Yvonne, 18102 S. E. 266th	
BOREN, Don, Patsy, 14611 S. E. 276th Pl.	631-2895
BORLAND, Randall, Dennie, 26236 S.E. 173rd	631-2493
BOWEN, Gordon, Ethel, 26860 172nd Pl. S. E.	631-9787
BOWERS, Edwin, Leta, 514 Kenosha, #208	UL 4-9784
BRADSHAW, Gaylon, Peggy, 12624 S. E. 270th	631-2613
BROWN, Roberta, 11835 S. E. 276th	631-2022
BURNHAM, Richard, Beverly, 19441 S. E. 267th	631-2855
BURT, Velma, 518 Kenosha #B 111	UL 2-3715
BURWELL, Daniel, Katherine, 4421 So. 272nd	UL 4-1603
BYE, Kathleen, 16625 S. E. 272nd	
CARTER, Lamont, Marie, 4051 So. 270th	UL 2-7783
CLARKSON, Louis, 19850 S. E. 272nd	631-1648
COLE, Al, Alberta, 4825 So. 272nd	UL 4-9788
COLEMAN, Phillip, Donna, 26246 172nd S. E.	631-2635
CONDER, Parley, Opal, 14432 S. E. 263rd	631-2235
COSAND, Charles, Gail, 28642 112th S. E.	UL 2-6533
COWAN, Donald, 15629 262nd Pl. S. E.	
CROSTICK, Jean, 17265 S. E. Wax Rd.	631-1781
DAHL, Gary, 1259 W. Smith	
DANELUK, Jerry, 12806 S. E. 273rd	
DAVIDSON, Eva, 3807 Hampton Way	UL 4-3777
DAVIS, Dorothy, 19454 S. E. 267th	631-3317
DAY, Harold, 915 E. Maclyn	UL 4-4392
DEHART, Arie, Sarah, 17238 S. E. 261st	631-0300
DELANO, Frank, 731 S. 5th, #27	
DEVERAUX, Don, Jeanette, 27830 108th S. E.	UL 2-4098
DEWEY, Gerald, 19221 S. E. 268th	631-4534
DILLEY, Helen, 27465 Military Rd. So., Auburn	UL 4-1045
DONNER, Michael, Linda, 14719 S. E. 262nd	631-0302
DUKE, Donald, Marion, 17111 S. E. 265th	631-0876
DUKES, Eric, Melva, 17201 S. E. 264th	631-4389
DUNN, Larry, 9623 S. 248th, D-8	
EATON, Susan, 1132 Chicago St.	
ENGEBRETH, Julius, 16326 S. E. 263rd Pl.	631-1739

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FLUE, Helms, 533 3rd So.	UL 2-2249	KALINA, Diane, 26815 102nd S. E.	631-2611
FOX, Janet, 17625 S. E. 267th		KELLER, Kenneth, Pauline, 13624 S. E. 258th.	631-3943
FREDRIKS, Donna, 12868 S. E. 252nd		KITZMILLER, Patricia, 26224 172nd S. E.	631-3966
GAINES, Jack, Joanne, 27439 141st S. E.	631-3669	KNIGHT, Gale, 26509 173rd Pl. S. E.	631-1417
GARBANAT, Ida, 14517 S. E. 261st	631-2752	KLOEPFER, Floyd, 1492 S. E. 270th Pl.	UL 2-8434
GIBB, Byron, Aly Mary, 3405 So. 263rd	VE 9-0481	KRIER, Juanita, 324½ Naden Ave.	
GIBBY, David, Ingelise, 14410 S. E. 261st	631-9145	LABRUM, Owen, Evelyn, 25643 Lake Fenwick Rd.	UL 4-4844
GJERDRUM, Johan, 7333 So. 285th	UL 2-5899	LANE, David, Sandra, Steven, 27403½ 118th S. E.	631-3844
GRAFF, Lamar, Gail, 27634 42nd So.	UL 4-2479	LARSEN, Gareth, Patty, 15265 S. E. 275th	631-4434
GRAHAM, Jean, 26530 Princeton Ave.	UL 2-8854	LARSEN, Jean, 19414 S. E. 265th	631-3397
GRAHAM, Michael, Linda, 26846 Military Rd. So.	UL 2-0409	LAYLAND, Terry, 10433 Kent-Kangley Rd. #219	
GWIN, Joan, 4505 So. 283rd, Auburn		LEWIS, Frank, 4821 Kent-Des Moines Rd. #162	
HAGBERG, Betty, 10608 S. E. 256th	UL 4-2699	LINCOLN, Vivian, 25861 142nd S. E.	631-3768
HANCOCK, Harold, Kay, 28513 Cambridge Dr.	UL 4-3959	LOHOLT, Jack, 25829 152nd S. E.	631-2437
HAND, William, Florence, 208 E. Morton St.	UL 2-7778	LONG, Teresa, 25311 182nd S. E.	631-4386
HARRISON, Mina, 30031 164th S. E.	631-4619		
HAZEN, Fawn, 724 3rd So.	UL 4-4410	McCANN, Michael, Cheryl, 14612 S. E. 278th Pl.	631-0837
HEAPS, Norma, 17805 S. E. 266th Pl.	631-2663	McCONNAHA, Robert, Francis, 26502 186th S. E.	631-3708
HEGLE, Susan, 25820 136th S. E.		McGUIRE, Elbert, Donna, 410 So. 2nd	UL 4-1205
HESS, Blaine, Alice, 26815 102nd S. E.	UL 2-8652	MCKENNEY, Diana, 3023 So. 220th	
HIRSCHI, DeVon, Udell, 3701 Hampton Way	UL 2-8652	MACKAMAN, Lily, 26636 167th Pl. S. E.	631-2012
HARKER, Van, Deanne, 4316 So. 261st	UL 4-1793	MACKAY, John, Lena, 25320 Lake Fenwick Rd.	UL 2-5680
HARPER, Brent, Kathy, 11020 Kent-Kangley, #c-26	UL 2-8718	MILLER, Faye, 17814 S. E. 282nd	631-1308
HAMMOND, Nancy, 18006 S. E. 254th	631-3176	MILLER, Bill, Phyllis, 17814 S. E. 282nd	631-1308
HAMMOND, Robert, 619 1st Ave. So. #9	UL 2-3416	MONACO, Charles, Kristina, 13719 S. E. 272nd	631-9457
HIGGINS, Sherry, 27406 131st Ave. E.		MONSON, Lynn, Sheri, 28219 45th So.	UL 4-0160
HOFFMANN, Dennis, Karen, 26224 173rd S.E.	631-2068	MOORE, Essie, 9623 So. 248th, #B4	UL 4-1813
HODGEN, Robert, Linda, 10433 Kent-Kangley Rd.		MORGAN, Albert, Patty, 318½ Naden Ave.	UL 2-3892
HOGGATT, Oma, 11834 S. E. 270th	631-0304	MORGAN, Leland, Carolyn, 24814 128th S. E.	UL 2-8160
HUGHES, Orsel, Gertrude, 28016 144th S. E.	631-2291	MORRIS, Marion, 28710 47th Pl. S. E.	
ISAACKS, Joseph, Linda, 12005 S. E. 270th	631-2568	MORRIS, Timothy, 27431 S. E. 141st	631-3259
JACKSON, Paul, 28634 51st Pl. So.	VE 9-2871	NABROTZKY, Ursula, 4821 Kent-Des Moines Rd. #123	
JACOB, Paul, Judith, 26253 172nd S. E.	631-2981	NEILSON, John, Sandra, 24827 128th Pl. S. E.	UL 4-1191
JARVIS, Ronald, Mildred, 855 Tilden		NEILSON, Afton, 26616 94th Pl. So.	UL 2-3627
JENSEN, Lola, 24906 38th So.	VE 9-714	NEILSON, Betty, 15219 S. E. 273rd Pl.	631-0774
JENSEN, Kay Don, Kathleen, 1245 Weiland St.	UL 2-1781	NOVAK, John, Deborah, 26447 170th S. E.	631-3715
JOHANSEN, Rex, Eunice, 16810 S. E. 264th	631-1821	OAKDEN, Gary, 25406 34th Pl. S. E.	VE 9-9146
JOHNSON, Trena, 26412 94th So.	UL 2-784	O'NEIL, Laver, 3424 So. 288th	VE 9-1326
JOHNSON, Lynn, Louise, 17323 S. E. 266th	631-2781	ORNDORFF, Darrell, Bonnie, 26454 Green River Rd.	UL 2-0946
JOLLEY, Clifford, Verda, 12981 S. E. 273rd Court	631-3071	OSTLER, Hazel, Karen, 717 So. Maple Wood	UL 2-3209
JONES, Myles, Rosetta, 4216 Carnaby	UL 4-9041	PARENT, Vivian, 14515 S. E. 260th	631-4315
JUDD, Billy, 11425 S. E. 266th	UL 2-1851	PARK, Jessie, 27430 156th S. E.	UL 2-4348
JUST, Ruth, 431 Scenic Way	UL 2-8581	PARKHURST, Dan, Ruth, 616 So. 2nd	UL 2-6627

KF00810

EXHIBIT F



STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES

14TH & JEFFERSON • OB-2

PO Box 45710 • Olympia, WA 98504-5710

(360) 902-7920 • TDD (360) 902-9706 • FAX (360) 902-7903

December 29, 2005

Jack Kennedy, Paralegal
Law Offices of Gordon, Thomas, Honeywell,
Malanca, Peterson & Dahéim LLP
One Union Square
600 University, Suite 2100
Seattle, Washington 98101-4185

Re: Public Disclosure Request

Dear Mr. Kennedy:

In regard to your December 20, 2005 request for records, the Children's Administration has no records for Jack Loholt or the Church of Jesus Christ of Latter Day Saints in Kent/Renton/Des Moines, Washington.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Barbara J. McPherson".

Barbara J. McPherson, Supervisor
Division of Field Operations
Children's Administration
360 902-7914



EXHIBIT G

Page 1

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KENNETH FLEMING and JOHN DOE,)
Plaintiffs,)
vs.) NO. 04-2338 RSM
THE CORPORATION OF THE PRESIDENT OF THE)
CHURCH OF JESUS CHRIST OF LATTER-DAY)
SAINTS, a Utah corporation sole, a/k/a)
"MORMON CHURCH"; LDS SOCIAL SERVICES)
a/k/a LDS FAMILY SERVICES, a Utah)
corporation,)
Defendant.)

DEPOSITION UPON ORAL EXAMINATION OF
JAMES ALLENBACH
VIDEOTAPED PROCEEDING

9:39 o'clock a.m.

July 20, 2005
601 Union Street
Suite 3100
Seattle, Washington

REPORTED BY:
ALISON LOTT, CCR#2337

Verb8M Reporting
800 Fifth Ave., Suite 101-122 , Seattle, WA 98104 - (206) 467-0800

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1 Q How long were they in there with your dad?
 2 A I don't remember. A little bit of time.
 3 Q Was your mother there?
 4 A I can't remember.
 5 Q At the time that that incident occurred, was Jack Loholt
 6 living in your your house?
 7 A Yes.
 8 Q Was he living down in the basement?
 9 A Yes.
 10 Q And after that incident, did he continue to live in the
 11 basement?
 12 A I can't remember. I remember just very little things.
 13 Q Do you remember any further abuse that occurred to you down
 14 in that apartment in the basement, other than the two we've
 15 talked about?
 16 A Yes.
 17 Q Pardon me?
 18 A Yes.
 19 Q Okay. Did that abuse continue after this incident of
 20 running around naked or the incident out in the field with
 21 the Kelly boys?
 22 A Yes.
 23 Q And for about how long did that continue after those first
 24 two instances that we've talked about?
 25 A Through Scouting.

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1 Q Do you know how long Jack Loholt continued to live in the
 2 basement?
 3 A No.
 4 Q Do you know if your dad ever talked to Jack Loholt about
 5 the abuse that you had talked to Mrs. Kelly about?
 6 A No.
 7 Q Did he ever come and talk to you about it?
 8 A No. I went to him, and talked to him when I was eight.
 9 Q What did you tell him when you were eight years old?
 10 A That it happened.
 11 Q That what happened?
 12 A With my little sister in the bathtubs.
 13 Q You and your sister were in the bathtub together?
 14 A Yeah.
 15 Q With Jack Loholt?
 16 A (Witness nods.)
 17 Q What did your dad say about that?
 18 A Not much.
 19 Q Do you know if he talked to Jack Loholt?
 20 A No.
 21 Q Did you tell him again after that?
 22 A I can't remember.
 23 Q Any time you want to stop, you just let me know.
 24 A Yeah.
 25 Q We have what we call Answers to Interrogatories,

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1 Mr. Allenbach. And these are questions that were sent to
 2 your attorney for you to answer. And in Interrogatory No.
 3 8, the question was, identify each person that you informed
 4 that you were the victim of inappropriate sexual contact
 5 and to the best of your ability, the date that you informed
 6 such person. The answer given by you was, I told my
 7 father, Herman Allenbach, when I was eight years old, that
 8 Loholt bathed my sister and me. Later, I told my father
 9 that Loholt did inappropriate things to me. I have also
 10 told my wife about the abuse by Jack Loholt. My question
 11 now is, it says, later I told my father that Loholt did
 12 inappropriate things to me. When did you later tell him?
 13 A When I was in Scouting.
 14 Q Were you still in Scouting when you told him, or had you
 15 finished Scouting?
 16 A Would be still in Scouting.
 17 Q When you say you were in Scouting, were you actually in Boy
 18 Scouts at the time? You were a Boy Scout?
 19 A Yeah.
 20 Q And Jack Loholt, what was his position in Scouting at that
 21 time?
 22 A Scout master.
 23 Q So it was while he was Scout master that you told -- and
 24 you were in Scouting, that you told your dad, as you put
 25 here, "I told my father that Loholt did inappropriate

Page 33

1 things to me"? Is that when you told him, while Loholt was
 2 Scout master and you were in Scouting? Is that correct?
 3 A Repeat that?
 4 Q Okay. I don't mean to confuse you. You said in your
 5 interrogatory, that, "Later I told my father that Loholt
 6 did inappropriate things to me." You said previously that
 7 that's when you were in Scouting, when you told your dad;
 8 is that correct?
 9 A Yes.
 10 Q Was Jack Loholt the Scout master at the time?
 11 A Far as I know. It was directed under him.
 12 Q Okay. And what did you tell your father was going on?
 13 A That things had happened. I didn't talk to him, tell him
 14 what it was, I just said things had happened to us.
 15 Q Did he ask you what you were talking about?
 16 A He didn't -- we didn't talk much about it. I mean, I was
 17 close to him, but I wasn't close to be able to talk to him
 18 as son to father.
 19 Q What did you say to him that -- about inappropriate
 20 contact? Did you say he'd been touching you or did you
 21 give him any idea of what was happening with Loholt?
 22 A No, I didn't -- I mean, I couldn't talk to him like that,
 23 tell him that he'd been touching. I just said things had
 24 happened.
 25 Q Did you tell him that it upset you? Did you tell him you

9 (Pages 30 to 33)

<p style="text-align: right;">Page 54</p> <p>1 A He depended on me more than the others. 2 Q Did you ever talk to your dad later on in your life about 3 what Jack Loholt had done to you? 4 A No. 5 Q Did you ever ask him a question, you know, why didn't you, 6 when I told you, why didn't you do something about it? 7 MR. KOSNOFF: Objection. Are you asking when 8 was an adult? 9 Q (By Mr. Frey) Yeah, when you were an adult, did you ever 10 have any discussions with your dad about the abuse and when 11 you told him about those two occasions you told him about? 12 Did you ever discuss that with him later on in life? 13 A No. 14 Q What was the relationship, as far as you could see it, how 15 was the relationship between your mother and your father? 16 A I always figured happy. 17 Q By the way, did you attend church on a regular basis 18 growing up? 19 A Yes. 20 Q Do you remember what ward you were in? 21 A Kent Second. 22 Q And how long did you continue to attend church at the Kent 23 Second Ward? 24 A Up till I served a mission. 25 Q And when did you serve your mission?</p>	<p style="text-align: right;">Page 56</p> <p>1 Q Back when it was going on? 2 A (Witness nods.) 3 Q So -- 4 A Yes. 5 Q So you were in Scouts at the time? 6 A I was what? 7 Q Were you in Scouting at the time you went to see the 8 bishop? 9 A Yes. 10 Q And what did you tell Bishop Pettit? 11 A Of the abuse, the things that were happening. 12 Q What did you say to him? 13 A I don't remember what we talked about. 14 Q Did you tell him it was sexual abuse? 15 A Yes. 16 Q And what did Bishop Pettit say? 17 A I don't -- 18 Q Was he the bishop at the time, by the way? 19 A Yes. 20 Q What did he say? 21 A I don't remember what he said, just it would be taken care 22 of. 23 Q All right. And you're sure you were in Scouting at the 24 time that you told him that? 25 A As far as I can remember, yeah.</p>
<p style="text-align: right;">Page 55</p> <p>1 A '80 -- 1979-'80, or -- probably -- '81-'82? '82-'83. 2 Q Before you went on your mission, were you interviewed by a 3 bishop? 4 A Yes. 5 Q And were you interviewed by the stake president? 6 A Yes. 7 Q Did you mention to them at any point in time about the 8 abuse that you had suffered with Jack Loholt? 9 A No. 10 Q Have you ever told any church or official, a bishop or one 11 of his counselors or stake president or one of his 12 counselors about your abuse? 13 A When it went on with Kevin Boren, we went to the bishop, 14 Bishop Pettit. 15 Q When did you go with Ken Boren to see -- 16 A Kevin Boren. 17 Q Kevin, pardon me, Boren, to see Bishop Pettit? Do you 18 remember when that was? 19 A I don't remember the date. I just remember we went to him 20 and talked to him of it. 21 Q How old were you? 22 A I can't remember. 23 Q Was it before or after your mission? 24 A Before. When -- it was back when it was going on, the 25 incident.</p>	<p style="text-align: right;">Page 57</p> <p>1 Q Anybody other than Bishop Pettit that you remember telling 2 of the abuse? 3 A No. 4 Q Was Kevin Boren there at the time that you spoke with -- in 5 the room with you, physically, when you spoke with Bishop 6 Pettit? 7 A I can't remember. I know he pulled us into the room, said 8 what would you like to talk about. 9 Q He pulled you into a room? 10 A Into the room, you know, like one for an interview. 11 Q Had you set this up in advance, to go talk to him? 12 A I don't remember. I think we just went to talk to him. 13 Q Is it possible that Bishop Pettit had actually seen you and 14 asked you boys to come in because he wanted to talk to you? 15 A I can't remember. All's I remember was talking to him 16 about it. 17 Q And you don't know whether he was the one who initiated 18 that and asked you to step in a room and talk with him or 19 whether you initiated it by setting up an appointment? 20 A I actually don't remember. 21 Q You don't remember how that happened? 22 A No. 23 Q Was he -- did he ask you what was going on, do you 24 remember? 25 A Did who ask me?</p>

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1 Q Bishop Pettit, did he say anything about how are you doing
 2 or is there anything wrong or do you have any remembrance
 3 of that meeting at all?
 4 A No. I don't remember it.
 5 Q But you have a clear memory that you told him there was
 6 some abuse?
 7 A I know I talked to him, yes.
 8 Q And you told him about the abuse?
 9 A (Witness nods.) Yes.
 10 Q Is that correct?
 11 A Yes.
 12 Q But you don't remember what he told him, huh?
 13 A No.
 14 Q When you say that he pulled them in -- "he pulled us in,"
 15 both of you boys went in together? Did he have both of you
 16 inside there, it sounds like? That's your description, not
 17 mine. You said, "He pulled us in."
 18 A Well, I had gone to Kevin and talked to him, so -- I can't
 19 remember if he pulled us both in or one at a time.
 20 Q You had gone to Kevin to talk to who?
 21 A Well, we used to always kid about it, I'd kid about it when
 22 I was a kid.
 23 Q With whom?
 24 A Several of the Scouts.
 25 Q Did Kevin tell you that he had been abused?

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1 that we talked about it, and she'd always thought I was
 2 kidding about it.
 3 Q Was it -- when you say others, who was there?
 4 A Just friends that hung out in church, we were all together,
 5 church members.
 6 Q And were you still attending a church in the '90s, the LDS
 7 church?
 8 A Far that I know of, I was kind of inactive active.
 9 Q By the way, are you currently active in the church at all?
 10 A Right now, I'm -- my wife's active and I am inactive. I go
 11 there every so often.
 12 Q With regard to telling your wife, would this have been in
 13 conjunction with your going -- when you agreed to go for
 14 counseling for cocaine addiction, back in '96?
 15 A Repeat the question?
 16 Q Would you have told your wife at the time in the '90s,
 17 would it have been about the same time you went in to
 18 the -- what's his name, the Puget Sound Hospital for
 19 cocaine addiction?
 20 A I'm not sure.
 21 Q The records indicate that you told the people at Puget
 22 Sound Hospital about your sexual abuse. Do you remember
 23 that? You told them you were sexually abused?
 24 A Do I remember that?
 25 Q Yeah, do you remember telling them that?

Page 59

1 A No.
 2 Q So you don't know whether Kevin had been abused; is that
 3 correct?
 4 A Well, just through hearsay, that he had.
 5 Q But he never told you that?
 6 A No.
 7 Q Do you know if he ever told Bishop Pettit that he had been
 8 abused?
 9 A No, I don't know.
 10 Q Okay. It sounds like he interviewed both of you
 11 separately; is that a fair statement?
 12 A Probably.
 13 Q Now, I want to go back for a minute to this interrogatory
 14 about -- it asks you who you told about this abuse. We've
 15 talked about your telling your dad --
 16 A Mm-hmm.
 17 Q And we've talked about -- we haven't talked about, but the
 18 next person you list is your wife.
 19 A Mm-hmm.
 20 Q When did you tell your wife? You said sometime -- in an
 21 answer, in the 1990s. Do you remember when you told your
 22 wife?
 23 A No, it just came up.
 24 Q How did it come up?
 25 A Just through conversations with others, other friends and

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1 A No, I don't remember.
 2 Q When you told your wife, you said you were always kidding
 3 about it. I'm not sure what you're telling me. Would you
 4 explain that?
 5 A The actions that Jack did to me, I would kid about it, like
 6 the events that happened, I would tell them and everybody
 7 would think that I was just kidding around with them.
 8 Q And what do you mean, "everybody"? Who would you tell?
 9 A The boys -- we hung out really close, all the kids at the
 10 church, youth and that, as we grew up. We were really
 11 close.
 12 Q So this is way after, well after Scouting and you were
 13 still in the church?
 14 A Yeah.
 15 Q How old would you be when you discussed this -- when did
 16 you discuss this with the other kids? How long would this
 17 last?
 18 A Oh, just jokes, I'd tell them -- like the pencil trick or
 19 I'd say stuff like that, to kid around with them. It
 20 wasn't a --
 21 Q So sometime in the '90s, you told your wife; is that
 22 correct?
 23 A Mm-hmm. Well, she had heard -- you know, as we grew up,
 24 she'd heard different things and that, but she never came
 25 and confronted me.

16 (Pages 58 to 61)

Verb8M Reporting

800 Fifth Ave., Suite 101-122, Seattle, WA 98104 - (206) 467-0800

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Page 62

1 Q And what did you tell your wife?
 2 A Just I was involved in sexual abuse.
 3 Q Did you explain to her what had happened to you?
 4 A I can't remember.
 5 Q Well, did she ask you what are you talking about?
 6 A No, she didn't ask. I just pretty well told her that I
 7 was -- things that happened to me, growing up, through
 8 Scouts.
 9 Q Did you tell her some of the things you've told me?
 10 A No, she'd heard about the -- you know, joking around,
 11 pencil tricks, stuff like that, they all thought --
 12 Q Pencil tricks? What do you mean?
 13 A He would take a pencil and put it up his butt, and then do
 14 it up ours, mine, and make it disappear.
 15 Q And you told your wife about that, or people that you joked
 16 about that?
 17 A Yeah.
 18 Q So when you told your wife, what was her reaction to this?
 19 A Not much. I don't know. I can't remember much about it.
 20 Q Okay. Did you tell her how it affected you?
 21 A I can't remember.
 22 Q Was there a particular circumstance that caused you to tell
 23 your wife, like you were --
 24 A She might have asked. I just -- I told her a little bit
 25 about it.

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1 Q Okay. Now, after you disclosed this to your wife, did you
 2 talk about it after that for any period of time, or did it
 3 come up again at all?
 4 A I can't remember.
 5 Q Other than your wife and your dad, who else have you told
 6 about your being abused that you can remember?
 7 A No one, that I can remember. I kept it pretty quiet.
 8 Q Did you tell -- well, Bob Kelly knew, didn't he?
 9 A Yes.
 10 Q And how about Todd Denny? Do you know who Todd Denny is?
 11 A Mm-hmm.
 12 Q Did you tell him about it?
 13 A He was one that we'd always joke about it. It was a big
 14 joke, basically.
 15 Q Okay. And did Denny joke with you about it?
 16 A Mm-hmm, yeah.
 17 Q Anyone else that you can remember that you told?
 18 A No.
 19 Q So we've talked about Bishop Pettit, we've talked about
 20 your wife and your dad and you said Todd Denny knew and Bob
 21 Kelly knew. Anyone else you can think of?
 22 A I can't think of anyone else right to hand.
 23 Q Did you tell your mom?
 24 A No.
 25 Q How about your brothers?

Page 64

1 A In the joking, they'd heard it.
 2 Q They heard it in the joking?
 3 A When -- yeah.
 4 Q Did you understand that they knew that -- when you were
 5 joking, that something had actually happened?
 6 A What was that? Repeat that?
 7 Q Well, you said you joked about it.
 8 A Yeah.
 9 Q In what way did you joke with them about it?
 10 A We'd call it the pencil trick or stuff like that.
 11 Q Was this something that was kind of humorous?
 12 A To us?
 13 Q Yes.
 14 A No, it was a way that I was trying to probably reach out.
 15 I don't know what it was.
 16 Q Did either of your brothers indicate to you that they had
 17 been abused too?
 18 A No.
 19 Q So Brent and Rick never said anything to you?
 20 A Hmm-mm.
 21 Q All right. But you knew Rick had been abused, right?
 22 A The only thing I heard was through -- that he did a plaster
 23 of Paris, and that's the only thing.
 24 Q But never in your -- he was never abused in your
 25 presence --

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1 A No.
 2 Q -- is that correct? Okay. Have you gone to see any
 3 counselor or psychologist or therapist of any kind to work
 4 with you concerning the abuse that you suffered at the
 5 hands of Jack Loholt?
 6 A No. I've wanted to, but I don't want to bring it up.
 7 Q Okay. Have you ever -- when you were at Puget Sound
 8 Hospital, do you know if they ever gave you any type of
 9 psychological tests there, such as they gave you a form and
 10 you had to fill in little dots, they'd ask questions
 11 like -- we call it an MMPI.
 12 A I can't remember.
 13 Q Okay. So you don't know what testing if any they gave you
 14 there?
 15 A (Witness shakes head.)
 16 Q Okay. How would you describe your relationship with your
 17 brothers, Brent and Rick?
 18 A Brent, I'm really close to. Ricky, I don't care for.
 19 Q Is there some reason you don't care for Ricky?
 20 A It has to deal with my mom.
 21 Q Is that because you believe your mother favored Ricky over
 22 you?
 23 A Yes.
 24 Q How would she do that?
 25 A At Christmas time she'd give him my presents and I'd get

17 (Pages 62 to 65)

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EXHIBIT H

DEPOSITION OF KENNETH FLEMING, et al. - FLEMING v. "MORMON CHURCH," et al. - 7/20/05

Page 1

1 UNITED STATES DISTRICT COURT
 2 WESTERN DISTRICT OF WASHINGTON
 3 AT SEATTLE
 4

5)
 5 KENNETH FLEMING and JOHN DOE,)
 6) Plaintiffs,)
 7 vs.) NO. 04-2338 RSM
 8)
 9 THE CORPORATION OF THE PRESIDENT OF THE)
 10 CHURCH OF JESUS CHRIST OF LATTER-DAY)
 11 SAINTS, a Utah corporation sole, a/k/a)
 12 "MORMON CHURCH"; LDS SOCIAL SERVICES)
 13 a/k/a LDS FAMILY SERVICES, a Utah)
 14 corporation,
 15)
 16 Defendant.)

13 DEPOSITION UPON ORAL EXAMINATION OF
 14 KENNETH FLEMING
 15 (VIDEOTAPED PROCEEDING)

17 9:38 o'clock a.m.
 18 July 20, 2005
 19 601 Union Street
 20 Suite 3100
 21 Seattle, Washington

24 REPORTED BY:
 25 ALISON LOTT, CCR#2337

Page 3

1 THE VIDEOGRAPHER: We are on the record.
 2 This is the videotaped portion in the deposition of Kenneth
 3 Fleming. My name is Dan Bassett. I am the videographer
 4 here today. I'm employed by Prolumina Trial Technologies
 5 located at 80 South Washington, Suite 200, in Seattle
 6 Washington, 98104. The court reporter is Alison Lott from
 7 Verb8M Reporting. This deposition is being recorded this
 8 20th day of July, 2005.

9 The time now is approximately 9:38 a.m. We are in
 10 the offices of Stafford, Frey, Cooper, located at 601 Union
 11 Street, Suite No. 3100, in Seattle Washington, 98101. This
 12 deposition is being recorded in the matter of Fleming
 13 versus the Mormon Church, et al. The case number is
 14 04-2338 RSM, in the United States District Court, Western
 15 District of Washington at Seattle. This deposition was
 16 noticed by Tom Frey.

17 Counsel and all present please identify yourselves
 18 for the record, and then the witness may be sworn in.

19 MR. KOSNOFF: Timothy Kosnoff on behalf of
 20 the plaintiff, Ken Fleming.

21 MR. FREY: Thomas Frey on behalf of the
 22 Corporation the President of the Church of Jesus Christ of
 23 Latter Day Saints, and the LDS Social Services. And also
 24 present is Mr. Marcus Nash, counsel for the same
 25 defendants.

Page 2

1 APPEARANCES

3 For the Plaintiffs: TIMOTHY D. KOSNOFF
 4 Attorney at Law
 5 One Union Square
 6 600 University
 7 Suite 2101
 8 Seattle, Washington 98101

7 For the Defendant: THOMAS D. FREY
 8 MARCUS NASH
 9 Stafford Frey Cooper
 10 601 Union Street
 11 Suite 3100
 12 Seattle, Washington 98101

12 Videotaped by: Dan Bassett,
 13 Prolumina Trial Technologies

14 ** MARKED PORTION OF PROCEEDINGS **
 PAGE 86, LINE 14, THROUGH PAGE 87, LINE 15

16 EXHIBIT INDEX

NUMBER	DESCRIPTION	PAGE
1	Defendant COP's First Interrogatories and Requests for Production to Plaintiff Kenneth Fleming and Answers, Responses and Objections thereto	65
2	Defendant COP's First Interrogatories and Requests for Production to Plaintiff Kenneth Fleming and Supplemental Answers, Responses and Objections thereto	65
3	Defendant COP's First Interrogatories and Requests for Production to Plaintiff Kenneth Fleming and Amended Answers, Responses and Objections thereto	65

Page 4

1 KENNETH FLEMING, having been duly sworn by the
 2 Notary to tell the truth, the whole
 3 truth and nothing but the truth,
 4 testified as follows:

5 DIRECT EXAMINATION

5 BY MR. FREY:

6 Q Mr. Fleming, I've already identified myself on the record.
 7 My name is Tom Frey. I'm one of the attorneys for the LDS
 8 Church and LDS Social Services. Have you ever had your
 9 deposition taken before?

10 A No.

11 Q This is a process in which we're going to be asking you
 12 questions for the purpose of trying to find out the facts
 13 and circumstances of your claim. You're under oath, and
 14 this deposition can be used in a court at a later date if
 15 we deem it appropriate to do so. So what I want to be sure
 16 is that my questions are intelligible to you, you
 17 understand them, and that you give me a full and complete
 18 answer. Can we agree on that?

19 A I'll try my best.

20 Q The other thing is that some of us try to say "uh-huh" or
 21 "huh-uh" and we don't answer. So please answer audibly,
 22 yes or no, or if you give a more detailed answer, speak up
 23 so the court reporter can hear you, okay?

24 A Okay.

25 Q Now, if I ask you a question and you don't understand it,

1 (Pages 1 to 4)

DEPOSITION OF KENNETH FLEMING, et al. - FLEMING v. "MORMON CHURCH," et al. - 7/20/05

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1 was abusing you when that occurred?

2 A I felt trapped there. And I guess that question could also
3 be asked to a woman that's being beaten by her husband, why
4 did you stay? I didn't know how to get away from it.

5 Q Were you living at home at the time?

6 A Yes.

7 Q Did you have to pay room and board or anything while you
8 were living at home when were you 16 and 17, or did your
9 family provide you a place to sleep and eat?

10 A I did not pay room and board.

11 Q So they provided you a place to sleep and food on the
12 table, I presume; is that correct?

13 A That's correct.

14 Q So, when you went to work for Jack Loholt, this was
15 something that you didn't have to do? Nobody forced you to
16 go to work for him; you could have worked someplace else;
17 is that correct?

18 A Actually, I don't believe that is, because I felt trapped
19 into going to work for Jack Loholt.

20 Q Can you tell me why you felt trapped into working for him?

21 A A lot of the parents thought Jack was good for the boys.
22 He had a construction company. He built things. He ran
23 bulldozers and backhoes and dump trucks. And I tried to
24 get away from Jack Loholt, and Jack Loholt approached my
25 mother, offered a job for me. I couldn't say no.

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1 (A brief recess was taken.)

2 THE VIDEOGRAPHER: Back on the record. This
3 is the beginning of Tape No. 2 in the continuing deposition
4 of Kenneth Fleming. The time now is approximately 11:38
5 a.m.

6 Q (By Mr. Frey) Mr. Fleming, you said he abused you every
7 single day. What kind of abuse are we talking about? What
8 was he doing to you?

9 A Do you want details?

10 Q Yes.

11 A We usually had to go --

12 Q If you need to take a break at any point in time, we can do
13 that.

14 A We would go into his room every morning, and he would take
15 off my clothes and tell me to lay on the bed. He would
16 fondle me, he would have oral sex with me, he would lay on
17 top of me and rub his body on me, he would kiss me, he
18 would tell me he loved me, he would take a stick and put
19 Vasoline on it, he would put that into my body, and then he
20 would lay on me and attempt to put his penis in me. He
21 would want me to fondle him, to masturbate him, he would
22 ejaculate into vials that he would save and would want me
23 to do the same. Sometimes he would want me to ejaculate
24 into his mouth.

25 Q And this was on a daily basis?

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1 Q And the reason you couldn't say no?

2 A The reason that I felt I couldn't say no was because then
3 it would have brought up questions like why? You can make
4 more than you can cleaning the meat department at
5 Albertson's or Safeway. Why would you not want to go to
6 work for him where he's going to pay you more? And you've
7 got the opportunity to learn so much. I didn't know how I
8 would be able to go down that road.

9 Q So you feel you were coerced into working for him because
10 of your mother and the amount of money he was paying you?

11 A Not because of my mother, because of my fear. And not that
12 he was paying me a great deal of money. I don't even
13 recall what it was. Because of how -- of my fear and how
14 he convinced -- expressed what a great opportunity it would
15 be to my mother. She thought it was a great thing.

16 Q Was he physically abusing you on a regular basis while you
17 were working for him in his construction job?

18 A Every day.

19 MR. KOSNOFF: Tom, I don't mean to interrupt
20 you, but if you get a break opportunity in the next few
21 minutes --

22 MR. FREY: Okay. Let's stop right now.

23 We've answered the question.

24 THE VIDEOGRAPHER: Going off the record. The
25 time right now is approximately 11:26 a.m.

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1 A Daily, to some degree.

2 Q Not everything, but some aspect of this?

3 A Mm-hmm.

4 Q According to the answers to interrogatories, you worked for
5 him -- we're talking about when you were 16 and 17, you
6 worked for him. How long did this go on?

7 A Until he left to go to Canada.

8 Q But can you give me a sense of time?

9 A I don't know what year he left to go to Canada.

10 Q In the answers to interrogatories, it says you worked for
11 him 1978-1979. So did this go on for a year or two or
12 longer than that, from your memory? I mean, was it more
13 than one summer, more than one winter? I'm trying to get
14 you to think in terms of seasons, maybe, or --

15 A I believe it was more than a year.

16 Q When he did this to you on a regular basis, some form of
17 this sexual activity, how did you feel about it?

18 A I never wanted it to happen.

19 Q Did it upset you?

20 A Yes.

21 Q Did you ever tell him that you did not want to do it?

22 A Yes.

23 Q Would he force himself on you then?

24 A He would generally tell me this will be the last time, and
25 it never was.

14 (Pages 53 to 56)

EXHIBIT I

Byers & Anderson
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KENNETH FLEMING and JOHN DOE,)
Plaintiffs,)
vs.)
THE CORPORATION OF THE PRESIDENT)
OF THE CHURCH OF JESUS CHRIST OF) No. 4-2338 RSM
LATTER-DAY SAINTS, a Utah)
corporation sole, a/k/a "MORMON ")
CHURCH"; LDS SOCIAL SERVICES a/k/a)
LDS FAMILY SERVICES, a Utah)
corporation,)
Defendants.)

DEPOSITION OF PHILIP J. COLEMAN

September 15, 2005

Seattle, Washington

Byers & Anderson, Inc.

Court Reporters/Video/Videoconferencing

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Philip J. Coleman
September 15, 2005

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Page 42

1 that your predecessor served?

2 A Well, I started in 1973, and this was 1970, so no
3 less than three. How much less, I don't remember.

4 Q Can you give me a general sense of the kind of
5 communication or the types of communications that go
6 on between a departing bishop and an arriving bishop
7 regarding the transfer of responsibilities within the
8 ward?

9 MR. FREY: Could I ask for a
10 clarification?

11 Are you talking about then or now?

12 MR. KOSNOFF: He can only testify as to
13 his experience.

14 Q (By Mr. Kosnoff) If it changed in your later
15 bishopric, perhaps you can point that out, but I'm
16 trying to get a sense of is there a practice, is
17 there a custom. How are the reigns transferred?

18 MR. FREY: I am going to object to the
19 form of the question. It's indeterminate in time,
20 but go ahead and answer.

21 THE WITNESS: Is there a protocol? I
22 don't remember.

23 I can remember what might have taken place.

24 There would be a transfer of records, keys, the
25 current mechanics in progress as far as the

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1 Q Did you have, for example, a discussion about how the
2 Boy Scout program was operating and what changes need
3 to be made there?

4 A I do not recall any.

5 Q Are there any protocols or practices that you recall
6 involving communicating confidential, sensitive
7 issues involving members of the ward?

8 A I don't remember a protocol for that.

9 Q Do you have any recollection of Bishop Borland
10 telling you any sensitive or confidential information
11 concerning any members of the ward?

12 A I do not.

13 Q When you became bishop, at that point had you been
14 aware of there being any complaints of sexual
15 misconduct with boys by Jack LoHolt?

16 A No.

17 Q Had you heard any rumors to that effect?

18 A No.

19 Q To your understanding what kind of a job was Jack
20 LoHolt doing within the ward Scout program when you
21 became bishop?

22 A A young men's secretary position is often given to a
23 person who is-- who needs something to do.

24 Q And in that instance Jack LoHolt needed something to
25 do?

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1 organization is concerned, nonconfidential items of
2 concern.

3 Q (By Mr. Kosnoff) Now, I understand that the
4 responsibilities of the bishop are great and
5 multifaceted and include both administrative
6 responsibilities and pastoral responsibilities.

7 Do you recall having discussions of an
8 administrative nature with your predecessor, Bishop
9 Borland?

10 MR. FREY: I am going to object to the
11 form of the question.

12 THE WITNESS: And I'm not sure I
13 understand the question.

14 Q (By Mr. Kosnoff) Well, you talked about keys,
15 records. I'm assuming you're referring to things
16 that had to do with the administrative operations of
17 the ward.

18 A Yes.

19 Q Did it also involve discussions regarding personnel--
20 strike that. Individuals in callings, positions, and
21 offices under the purview of the bishop?

22 A It might have.

23 Q Do you have any specific recollection of any of those
24 discussions?

25 A I do not.

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1 A I can't infer the second from the earlier, but that
2 was a statement of fact of the position.

3 Q Okay.

4 A I don't recall how well Jack was doing or why he was
5 put in the position.

6 Q He was already in that position when you became
7 bishop?

8 A I don't recall that either.

9 Q At some point during the three years that you were
10 bishop, did someone bring to your attention an
11 allegation that Jack LoHolt was sexually molesting
12 boys?

13 A In the specific, I have to say no to sexually
14 molesting.

15 Q What about generally?

16 A In the general to sexually molesting, I have to say
17 no.

18 Q Did you receive any information of any kind from any
19 person that Jack LoHolt was allegedly engaging in
20 sexually inappropriate activity?

21 A Yes.

22 Q From who whom did you learn that?

23 MR. FREY: I am going to object at this
24 point in time.

25 Let me tell you the basis for the objection.

12 (Pages 42 to 45)

Philip J. Coleman
September 15, 2005

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1 He was a bishop at the time, and we treat those
 2 communications as confidential, and in trying to help
 3 you with this answer, I'm not trying to present a
 4 roadblock.

5 As an accommodation and because of the fact that
 6 the individuals involved have not authorized this
 7 information to be given, I think they have a right to
 8 privacy in that regard and a right to have it
 9 protected.

10 As an accommodation, I'll allow the witness to
 11 tell you in a general sense what he heard had
 12 happened, and I'm not waiving any privilege by doing
 13 that.

14 If you'll accept that, we can go forward.

15 You don't have to accept my objection, but if you
 16 want to go forward, I'm willing to do that on this
 17 basis.

18 MR. KOSNOFF: Tom, I would like to take
 19 a brief bathroom break and come back and continue
 20 this dialogue on that point.

21 (Recess 10:27 to 10:33 a.m.)

22 MR. KOSNOFF: Mr. Frey, this is not
 23 unfamiliar ground to the two of us, this point.
 24 We've been at similar points in other cases.

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1 From your comments I take that you are making an
 2 objection based upon a number of criteria. One, I
 3 think I heard an assertion of the clergy penitent
 4 privilege.

5 MR. FREY: I'll make it simple for you.
 6 I'll tell you what the basis for my objection is:
 7 one, it's a constitutional objection on the free
 8 exercise clause; number two, it may also be on the
 9 basis of the priest penitent privilege depending on
 10 the circumstances under which he may have heard
 11 something; and the third ground is that we've said in
 12 our answers to interrogatories I'm not prepared to
 13 reveal the names of anybody or have my client reveal
 14 the names of anyone who has been molested without
 15 that person's consent because I know for a fact, and
 16 I've gotten court orders on this, that it can be
 17 devastating to have someone knock on their door and
 18 say, "I understand you've been abused and I'd like to
 19 talk to you about it."

20 For those three reasons-- I am willing to go
 21 forward because I know that you have the right to
 22 determine knowledge and what they knew and should
 23 have known, and I'm willing to let him tell you in a
 24 general fashion, and I guess I could proffer this for
 25 the record what he can tell you to get you to where

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1 you need to go--

2 MR. KOSNOFF: Before we go there, I
 3 think this is important that we establish enough of a
 4 factual record here for Judge Martinez so we only
 5 have to take one trip up and bring Dr. Coleman back
 6 one more time as opposed to two more times, so I
 7 would propose that with respect to the assertion of
 8 the claimed privileges that you're making, that you
 9 take a moment and establish whatever factual basis
 10 you would like with Dr. Coleman to support the
 11 assertion of those privileges.

12 I'm inviting you to do that because, as you know,
 13 it's the proponent of the privilege that carries the
 14 burden of establishing it, and I just want to make
 15 sure that when this goes up to Judge Martinez, that
 16 you've had a full opportunity to make as full an
 17 evidentiary record as you need to make your arguments
 18 to him.

19 MR. FREY: It's not my burden. Under
 20 the rule I'm exercising those privileges, and I've
 21 enumerated them.

22 If you wish to question the witness, you are free
 23 to do that. If you choose to go to Judge Martinez,
 24 I'll be happy to supply whatever additional
 25 information I need by way of affidavit or otherwise.

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1 I've tried to explain to you, and you're free to
 2 ask him the circumstances and free to ask him a
 3 number of questions, and I think you can get the
 4 information that you need without revealing these
 5 names.

6 Quite frankly, Tim, I don't want to reveal any
 7 names or my client to reveal any names that he may
 8 have heard of that are not public right now because I
 9 simply don't think it's appropriate.

10 As I've said before, I've gotten court orders
 11 restricting that information.

12 MR. KOSNOFF: I understand that there
 13 are--

14 MR. FREY: So you can question him now
 15 and ask him--

16 MR. KOSNOFF: I just want the record to
 17 reflect that I am not unaware of the fact that there
 18 are protected limited privacy interests of third
 19 parties that the Court has to be mindful of, and it's
 20 a weighing of rights and interests that the Court
 21 will have to make.

22 Let me go forward with some additional questions
 23 so that at least we have some factual record for the
 24 Court.

25 Q (By Mr. Kosnoff) Dr. Coleman, as I understand

13 (Pages 46 to 49)

Philip J. Coleman
September 15, 2005

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1 Mr. Frey's comments, you received a communication
 2 from someone while you were bishop regarding an
 3 allegation of sexual misconduct by Jack LoHolt; is
 4 that correct?
 5 A That's correct.
 6 Q Was the person who communicated this to you a member
 7 of the Mormon church?
 8 A Yes.
 9 Q Was this communication made to you in your capacity
 10 as bishop?
 11 A I think so.
 12 Q Okay. Did it occur at, for example, the ward
 13 building or your office?
 14 A I don't remember that.
 15 Q Okay. Was the person who communicated this to you,
 16 in your view, making a statement of confession or
 17 penitential contrition?
 18 A No.
 19 Q Under the doctrines and tenants of your faith, do you
 20 believe that you are absolutely required to keep what
 21 that person said to you confidential, and I mean that
 22 you cannot repeat it to anyone?
 23 A No.
 24 Q Do you know the Harrison family?
 25 A I do.

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1 confirm, I suppose, the name of a victim, then I'm
 2 going to tell you you don't have to answer it.
 3 THE WITNESS: To my own understanding of
 4 the question, the answer is no.
 5 Q (By Mr. Kosnoff) In October of 2003, did you get a
 6 phone call from a woman that was asking you about
 7 what you knew about Jack LoHolt?
 8 A I did.
 9 Q And did you tell her that Jack's problem came to your
 10 awareness, "When some young boys came to me and told
 11 me that Jack had been molesting them"?
 12 A I did not say that, to my knowledge.
 13 Q Did you tell that person that after talking with
 14 those people, that you spoke with Jack LoHolt and his
 15 parents?
 16 A This question was contingent on the prior one about
 17 boys having spoken to me, and the answer to that one
 18 is no, and therefore the answer to this one is no.
 19 May I take a moment with these gentlemen?
 20 Q Of course.
 21 Have you finished your last answer?
 22 A On that question, yes.
 23 (Recess 10:43 to 10:47 a.m.)
 24
 25 MR. FREY: We can go back on the record,

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1 Q Did a member of the Harrison family disclose to you
 2 that Jack LoHolt had or was sexually molesting one or
 3 more of their sons?
 4 MR. FREY: I am going to object to the
 5 question and instruct the witness that he does not
 6 have to answer it.
 7 THE WITNESS: I am going to say no.
 8 MR. KOSNOFF: I'm sorry, Tom, I missed
 9 what you said. Did you say that you were instructing
 10 him not to answer?
 11 MR. FREY: I instructed him not to
 12 answer, but he already said "No."
 13 Q (By Mr. Kosnoff) You knew the Harrison family?
 14 A Yes.
 15 Q And as I recall, she was a member of the church but
 16 Mr. Harrison was not?
 17 A That's as I recall.
 18 Q And they had three sons who were members of the
 19 church?
 20 A I think so.
 21 Q Did any member of the Harrison family tell you that
 22 Jack LoHolt was sexually molesting them?
 23 MR. FREY: If this is going to require
 24 you to breach any confidential agreement or
 25 understanding that you believe you have had and/or to

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1 and the witness wants to clarify the answer is maybe
 2 the best way to put it.
 3 Q (By Mr. Kosnoff) Dr. Coleman, do you want to clarify
 4 an earlier answer?
 5 A If I may.
 6 With regard to an individual making me aware of
 7 something that happened between her sons and Jack
 8 LoHolt, the answer is yes, and the answer is that
 9 there was an exposure.
 10 In my own mind, at least at the time, maybe not
 11 now, that did not constitute abuse.
 12 That's why I gave "no" to those answers, but I
 13 wanted you to be aware of what did happen.
 14 Q What was your understanding of what Jack LoHolt had
 15 done, allegedly?
 16 A Exposed his private parts.
 17 Q To whom and where?
 18 A As I recall it--
 19 MR. FREY: I am going to again instruct
 20 the witness not to say the names of who, but he can
 21 say anything else.
 22 THE WITNESS: As I recall, two boys, as
 23 I recall it, on an outing, which Jack frequently took
 24 them, either fishing or camping-- he was a bit of a
 25 replacement for an absentee father.

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1 Q (By Mr. Kosnoff) In fact, Jack had become kind of a
 2 surrogate father to the boys in absence of their
 3 natural father?
 4 A That's calling for a judgment.
 5 Q Is that your understanding?
 6 A I think what I said earlier would be appropriate.
 7 Q But it was your understanding that Jack had been
 8 spending a lot of time with these boys?
 9 A I think so.
 10 Q When you received this information, were you
 11 concerned?
 12 A Indeed.
 13 Q Were you very concerned?
 14 A Indeed.
 15 Q Okay. Being very concerned, what did you do?
 16 A Spoke to Jack.
 17 Q Where did that conversation take place?
 18 A In the bishop's office.
 19 Q Did you call him in?
 20 A I did.
 21 Q What was said by Jack to you?
 22 A I don't recall the details, but he denied it.
 23 Q Jack denied that he'd engaged in the conduct?
 24 A He did.
 25 Q Did Jack acknowledge, however--

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1 that you had with Jack.
 2 A That would fall under the auspices of a privileged
 3 communication, yes, I think so.
 4 Q After you talked with Jack, did you talk with his
 5 parents?
 6 A I did.
 7 Q Where did that take place?
 8 A Bishop's office.
 9 Q Okay. What was said by the parents to you-- strike
 10 that.
 11 Did you tell the parents the information that you
 12 had regarding Jack's behavior?
 13 A I did.
 14 Q What was their reaction?
 15 A Disbelief.
 16 Q Okay. After that exchange, what did you do with this
 17 information?
 18 A We released Jack from his church callings, and I
 19 notified, as I recall, at least some key individuals
 20 who would need to know about it.
 21 Q And those were priesthood leaders?
 22 A My counselors. I remember specifically-- I can't
 23 honestly say I remember talking to the young men's
 24 president, but that might have been usual, and
 25 perhaps to the Scout master, but I don't remember

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1 MR. FREY: For the record, I want to
 2 make this clear because this is going to come up
 3 again.
 4 In those conversations where you're acting with
 5 your bishop's hat on and you're speaking to one of
 6 your people and it involves what could be classified
 7 as a transgression within the church, you do have the
 8 right not to disclose that information.
 9 On the other hand, I want you to be able to
 10 answer Counsel's question as best you can because he
 11 has a right to find out what we knew or didn't know
 12 or should have known.
 13 Q (By Mr. Kosnoff) I would add whether or not a
 14 privilege really applies really depends on the
 15 circumstances and the conduct and the intent of the
 16 parties.
 17 A I think in this context it would.
 18 Q The question of whether or not under the doctrine and
 19 beliefs of the Mormon church and the circumstances of
 20 this communication between you and Jack, is it your
 21 belief that this was a privileged communication
 22 between bishop and member?
 23 A May I make a statement?
 24 The information came to me other than Jack.
 25 Q I understand that, but I'm referring to the meeting

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1 that.
 2 Q Richard Pettit was one of your counselors, correct?
 3 A He was.
 4 Q And, in fact, you did tell Richard Pettit?
 5 A That's my recollection.
 6 Q What else did you do?
 7 A If I can digress for a moment, my role as a bishop
 8 was to serve everyone, including, if possible, Jack.
 9 During an era at that time where at least
 10 personally and I think rather generally there was
 11 little information about the recurrent nature or
 12 problem of a sexual offender and indeed little about
 13 how to deal with it in the social aspect, I continued
 14 to work privately with Jack to try to help him to be
 15 reconciled to Christ.
 16 Q Through your work with Jack to be reconciled with
 17 Christ, did you come away with a feeling that the
 18 problem had been adequately addressed?
 19 MR. FREY: In answering that question--
 20 THE WITNESS: I can't answer that. I
 21 can't say.
 22 Q (By Mr. Kosnoff) Did you do anything to investigate
 23 whether there may have been other incidents and other
 24 victims?
 25 A I want to say yes, but I frankly don't remember the

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1 answer to that.		1 A Any position, as I recall.	
2 Q Did you consider at any point calling the police and		2 Q Did you announce it to the ward membership as a whole	
3 letting them handle it?		3 that Jack had been removed from all positions within	
4 A Surely in today's environment, surely in the		4 the ward?	
5 environment as a bishop in 1988 the answer would have			
6 been an obvious yes.			
7 In the environment at that time, given society's			
8 general level of expectation and indeed perhaps my			
9 own naivety, I guess not. I don't think so, no.			
10 Q Just to clarify, the question was directed at what			
11 your state of mind was at that time, and my question			
12 is: Did it ever cross your mind to call the police?			
13 A I answered that question in the best way I could, and			
14 I can't possibly say if something might have ever			
15 crossed my mind at that point.			
16 Q But as you sit there now, you can't remember having			
17 thought that at the time?			
18 A I have no recollection of having thought that.			
19 Q Do you remember when in relation to the beginning and			
20 the end of your term as bishop that this situation			
21 arose with Jack?			
22 A I believe, and this is a vague memory, that it would			
23 have been in 1975.			
24 Q So maybe in the final year of your bishopric?			
25 A That's correct or just prior to the final year.			
1 I am not sure exactly the time of year.		1 A Mm-hm.	
2 Q What sort of memory queues are you relying on the		2 Q Did you say anything to any of your own children	
3 pinpoint it to that particular period of time?		3 along the lines of, "Stay away from Jack. Avoid	
4 A Well, I knew my time in service, and I just have to		4 Jack"?	
5 say to the best of my recollection I just can't say I		5 A If I did, I don't remember that.	
6 have a queue there.		6 Q After you became aware of the situation with Jack,	
7 Q Is it linked to--		7 did you do anything to limit the contact that Jack	
8 A I seemed later in my tenure rather than sooner.		8 LoHolt had with any of your own children?	
9 Q I thought it was maybe linked to some other event--		9 A I don't know that there was any necessity of doing	
10 A Well, Bishop Pettit was not a counselor in the		10 that.	
11 earlier part of the bishopric.		11 There would have been no reason for him to have	
12 Q Within a bishopric is a first counselor someone who		12 contact with my children, but I would have, I think,	
13 has more authority or responsibility than a second		13 if that helps.	
14 counselor or are they co-equals?		14 Q During the period that you were working with Jack to	
15 A I would say largely co-equal, but in the absence of		15 try and help him, did he continue to attend Sunday	
16 the bishop, the first counselor takes charge.		16 services?	
17 Q Did you do anything-- strike that.		17 A I'm unsure about that. My best recollection is no.	
18 Did you ask First Counselor Pettit to do anything		18 Q Did you exclude him?	
19 to assist you with respect to dealing with the		19 A No.	
20 situation involving Jack LoHolt?		20 Q Were you aware, when you found out about the	
21 A I don't remember.		21 situation with Jack, where Jack was residing?	
22 The truth is I don't remember if he was my first		22 A Yes, I think so.	
23 or second counselor.		23 Q And was he residing at the Allenbach compound?	
24 Q You said that you removed Jack from positions working		24 A A home on the property belonging to Herman Allenbach,	
25 with youth in the ward?		25 a small home.	

16 (Pages 58 to 61)

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